

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
 v.) Criminal Action No.
)
) 11-00263-01/02-CR-W-BCW
MARCO ANTONIO VERDUZCO-)
MORETT and ERNESTO IBARRA,)
)
Defendants.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on August 6, 2014. Defendant Verduzco-Morett appeared in person and with appointed counsel Bill Raymond. Defendant Ibarra appeared in person and with appointed counsel Mark Thomason. The United States of America appeared by Assistant United States Attorney Patrick Edwards and Alison Dunning.

I. BACKGROUND

On October 19, 2011, an indictment was returned charging both defendants with conspiracy to distribute and possess with the intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846; one count of distribution and possession with the intent to distribute methamphetamine, in violation of 21 U.S.C. 841(a)(1), (b)(1)(A); Defendant Verduzco-Morett with one count of unlawful entry into the United States, in violation of 8 U.S.C. § 1326; and Defendant Verduzco Morett with

one count of being found in the United States at a location not designated by immigration officials, in violation of 8 U.S.C. § 1325(a)(1).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Edwards announced that he and Ms. Dunning will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Dan Curby, Jackson County Drug Task Force.

Mr. Raymond announced that he will be the trial counsel for Defendant Verduzco-Morett. Julie Eilers, investigator, will assist.

Mr. Thomason announced that he will be the trial counsel for Defendant Ibarra.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Edwards announced that the government intends to call 16 witnesses without stipulations or 8 witnesses with stipulations during the trial.

Mr. Raymond announced that Defendant Verduzco-Morett intends to call 1 witness during the trial. The defendant may testify.

Mr. Thomason announced that Defendant Ibarra intends to call 1 witness during the trial. The defendant may testify.

V. *TRIAL EXHIBITS*

Mr. Edwards announced that the government will offer approximately 75 exhibits in evidence during the trial.

Mr. Raymond announced that Defendant Verduzco-Morett will offer approximately 20 exhibits in evidence during the trial.

Mr. Thomason announced that Defendant Ibarra will offer approximately 1 exhibit in evidence during the trial.

VI. *DEFENSES*

Mr. Raymond announced that Defendant Verduzco-Morett will rely on the defense of general denial.

Mr. Thomason announced that Defendant Ibarra will rely on the defense of general denial.

VII. *POSSIBLE DISPOSITION*

Mr. Raymond stated this case is definitely for trial.

Mr. Thomason stated this case is definitely for trial.

VIII. *STIPULATIONS*

Stipulations are likely as to chain of custody and chemist's reports may be entered into depending on results of defense analysis.

IX. *TRIAL TIME*

Counsel were in agreement that this case will take 3 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed March 9, 2012, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by or before August 6, 2014;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, August 13, 2014;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, August 13, 2014. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

Motions in limine will probably be filed on a photograph of a folder, which will not be admitted into evidence. There are no unusual questions of law.

¹Counsel in all cases assigned to be tried before Judge Fernando Gaitan, Jr., as reflected in the trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by August 15, 2014. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

XII. TRIAL SETTING

All counsel and the defendants were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on August 18, 2014. Defendant Verduzco-Morett requests the second week of the docket.

A Spanish-speaking interpreter is required.

/s/ *Robert E. Larsen*
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
August 6, 2014

cc: Mr. Kevin Lyon